

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GARY G. SIMPSON

COMPLAINANT

v.

KENTUCKY UTILITIES COMPANY

DEFENDANT

CASE NO. 95-564

ORDER TO SATISFY OR ANSWER

Kentucky Utilities Company ("KU") is hereby notified that it has been named as defendant in a formal complaint filed on December 11, 1995, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, KU is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 27th day of December, 1995.

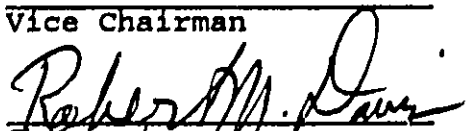
PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

Vice Chairman


Commissioner

Gary G. and Betty J. Simpson
P. O. Box 88
Loyall, KY 40854-0088
(606) 573-7079
December 4, 1995

Public Service Commission
P. O. Box 615
Frankfort, KY 40602

95-564

RECEIVED

RECEIVED

Attention: Don Johnston

DEC 11 1995

DEC 14 1995

PUBLIC SERVICE
COMMISSION

Dear Sir

GENERAL COUNSEL

On October 31, 1995, my wife, Betty received a telephone call from Tony Osborne representing Kentucky Utilities. He informed us that our Kentucky Utility meter had been running 56% slow and that we owed K. U. \$1,061.19. My wife, Betty, was also informed that they would meet with me on Friday, November 3, 1995 to discuss terms of repayment. When I was informed of this matter, I immediately went to K. U. on Thursday, November 2, 1995, at 8:15 a. m.

Mr. Allen Sutton, Kentucky Utility manager, stated that our meter had been malfunctioning for over two years and that we had no recourse but to pay this bill. When asked why our meter was pulled we were given no clear explanation and we were told that the said meter was pulled on March, May and August of 1995. If this were true that the meter was pulled in March or May 1, 1995, as Mr. Sutton stated on November 2, 1995 in his office, why then on November 3, 1995 at a meeting at my home, did he state that the meter was definitely pulled on May 1, 1995. I would like to know why I was not informed that the meter had been pulled and why it took from May 1, 1995 to October 31, 1995, lacking one day of six months, to let us know of their malfunctioning meter. Again I would like to ask why there was a three month delay in informing us of the said charge as Mr. Allen Sutton handed me a letter stating that August 4, 1995 was the day the meter was tested.

Why such a delay? Was this my meter? Where was this meter? Was this meter lying about in someone's truck, placed in storage, or possibly being used on someone else's home? Anything could have happened to a meter in SIX months.

I truly believe this problem started when I purchased a house across the street from my home. During the time I was preparing the house to be rented, Jack Anderson, an employ of Kentucky Utilities, told me that the previous tenants of the said house had been stealing electricity and that they were unable to catch them. On two different occasions, Jack Anderson made this accusation.

On April 1, 1995 we rented the house and a new meter was placed on the house. The old meter had been removed and when the renters called Kentucky Utilities to have service restored, K. U. could not find record of previous customers even when supplied with several names of former tenants. Finally a physical address had to be given to restore service. We believe the problem arises due to a mix up of our name being on the rental property. When asked who owned the rental house the day the meter was pulled, my wife, Betty, told them I owned the house.

On inspecting our meter, Allen Sutton agreed that the clip on our meter was old and corroded and that the meter on the rental property was shiny and new looking, which puzzled Mr. Sutton. If our meter and the rental property was changed at approximately the same time, why are the clips so different? Kentucky Utilities have tried to assure me how precise their meters are yet they say my meter is 56% slow. And Jenny Smith of the Public Service Commission, on November 17, 1995, says per telephone call to me, that K. U. has informed the P. S. C. that this error in the meter was a **GRADUAL** change. Gradual from what to what? K. U. informed P. S. C., not us, that they had made a \$237.57 mistake in calculating our bill. To date we have received no telephone call or letter to this fact and our K. U. bill still reflects the charge of \$1,061.19. In August we were offered a budget payment plan of \$69.00 a month. This is offered after K. U. arrived at a figure of usage over an extended period of time. Per phone call from Jenny Smith of P. S. C., on November 17, 1995, she stated K. U. informed her, even though they had made a mistake of calculating the charge, a \$237.57 mistake that K. U. does not even have a billing history of our account. Why were we offered a budget payment plan?

Why were we not informed of \$237.57 overcharge. What if I had paid \$1061.19, would I have been reimbursed? K. U. states that I am responsible for their **BAD** meter, yet there is a sticker on the meters that says I could be fined \$10,000.00 or a Five year Imprisonment for tampering. How can I be responsible for a meter that is not mine and solely controlled by K. U.? This has been a devastating blow to our family. We cannot pay this bill not now nor in the foreseeable future. I feel very strongly that this is wrong and that no one should be put in this position, for this is a great injustice and grave burden to endure.

This letter is being sent not only to you, but to my Congressmen and Senators and to local newspapers to let the public know of this grave injustice.

Sincerely,

Don
Gary G. Simpson
Gary G. Simpson

There comes a time when a
Decision must be made, on
What is Right & What is Wrong.
This is the most Wrong this I
have ever Heard of. I've Been in Finance
Insurance & A Pastor of A church for
many years. & nothing compares with
this.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

GARY G. SIMPSON
(Your Full Name)
COMPLAINANT

VS.

Kentucky Utilities-
(Name of Utility)
DEFENDANT

C O M P L A I N T

The complaint of GARY G. SIMPSON respectfully shows:
(Your Full Name)

(a) GARY G. SIMPSON
(Your Full Name)
P O Box 88 - LOYALL, Ky. 40854
(Your Address)

(b) Ky. Utilities
(Name of Utility)
P O Box 899 - HARLAN, Ky 40831
(Address of Utility)

(c) That: UNJUST CHARGE FULLY
(Describe here, attaching additional sheets if
EXPLAINED IN ATTACHED LETTER
necessary, the specific act, fully and clearly, or facts

that are the reason and basis for the complaint.)

Formal Complaint

MARY G. SIMPSON vs Ky. Utilities
(Your Name) (Utility Name)

Page 2

Wherefore, complainant asks _____

(Specifically state the

\$1,061.19 to be removed from
relief desired.)

our bill. These charges were
added on in addition to what
we have already paid

Dated at Box 88-Loyall, Kentucky, this 4th day
(Your City)

of December, 1995
(Month)

Mary G. Simpson
(Your Signature)

(Name and address of attorney, if any)

Section 12. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty; the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 15(1))

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint:

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint

does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 15(2))

Section 15. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.

Before the Public Service Commission
(Insert name of)
complainant))
COMPLAINANT)
vs.) No. _____
(To be inserted
by the secretary)
(Insert name of each)
defendant))
DEFENDANT)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____
at of _____ 19____

(Name of each complainant)

(Name and address of attorney, if any)

(3) Form of answer to formal complaint.

Before the Public Service Commission
(Insert name of)
complainant))
COMPLAINANT)
vs.) No. _____
(To be inserted
by the secretary)
(Insert name of each)
defendant))
DEFENDANT)

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

That (here follow specific denials of such material, allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant)

(Name and address of attorney, if any)



Kentucky
Utilities
Company

October 30, 1995

Dear Customer:

On August 4, 1995, the meter bearing identification No. M425977 installed at your premises located at Fresh Meadows in Dayhoit, KY was tested at Pineville Meter Lab and found to register 56.6 percent slow. This meter was tested on a sample test basis.

Meters are recognized as among the most accurate instruments in general use. However, conditions beyond reasonable control sometimes lead to slight inaccuracies, and for this reason, we test all meters periodically. When we find a meter which registers slow or fast, it is reconditioned or replaced and prompt back billing or refund is made to the customer in accordance with a method of calculation recommended by the State Public Service Commission.

During the period covered by this back billing
your billing amounted to \$1638.19

Adjusted billing based on meter test \$2700.13

Amount of refund by _____ \$ -0-
(Check Enclosed or Credit on Bill)

Amount of back billing added to your bill \$1061.19

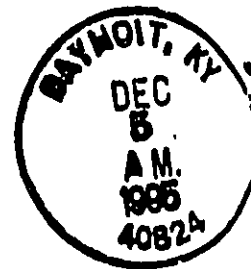
If you desire to see the detailed calculation of this adjustment and will call us, we shall be glad to provide you with this information.

Very truly yours,


_____, Manager
KENTUCKY UTILITIES COMPANY

Folio and Acct. No. 155601-030

Langston
PO Box 88
Lynch, Ky. 40854



Public Service Commission
Bob Johnston, Comm.
PO Box 615
Frankfort, Ky. 40602

Dec. 3, 1945

Dear Mr. Johnston,

After sending you the complaint form on Dec. 4, 1945 I received from K. U. a corrected billing. Please note.

1. If K. U. meters are so precise then why on 3-4-95 their test shows 56.6% slow now their test shows 43.4% on same day. How could this be?
2. If they pulled the meter on 5-1-95 as they say why are they billing the adjustment on new meter letter states Nov-93 to Oct. '95
3. In 1983 at my own expense for K. U. insistence I installed electric pole to house the meter. In 1985 K. U. ran service to neighboring house from my pole. We were not informed. I am in the process of billing K. U. for rent for usage of my pole.

(over)

Please inform me of my rights
in these matters.

Sincerely
Ray D. Sauer



Kentucky
Utilities
Company

November 29, 1995

Gary G. Simpson
P.O. Box 88
Loyall, KY 40854-0088

Dear Mr. Simpson:

Enclosed please find a corrected billing for the slow meter adjustment dated October 30, 1995. The October billing of \$1061.19 covered two years from the date of the meter removal.

The revised billing reflects two years adjusted billing from November, 93 through October 95 in the amount of \$824.63.
According to K.U. New meter installed in May, 95

As before you have up to two years to make installments toward this additional billing.

We apologize for the error in determining the two year time frame. If you have any further questions please contact me at (606) 573-3440.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A.B. Hutton', with a horizontal line extending to the right.

A.B. Hutton
District Manager

Enclosure

cc: file

ABS/tmc



Kentucky
Utilities
Company

November 29, 1995

Gary G. Simpson
P.O. Box 88
Loyall, KY 40854-0088

Dear Mr. Simpson:

On August 4, 1995, the meter bearing identification No. M425977 installed at your premises located at Fresh Meadows in Dayhoit, KY, was tested at Pineville Meter Lab and found to register 43.4 slow. This meter was tested on a sample test basis.

Meters are recognized as among the most accurate instruments in general use. However, conditions beyond reasonable control sometimes lead to slight inaccuracies, and for this reason, we test all meters periodically. When we find a meter which registers slow or fast, it is reconditioned or replaced and prompt back billing or refund is made to the customer in accordance with a method of calculation recommended by the State Public Service Commission.

During the period covered by this back billing
your billing amounted to

\$1638.19

Adjusted billing based on meter test

\$2462.82

Amount of back billing added to your bill

\$ 824.63

If you desire to see the detailed calculation of this adjustment and will call us, we shall be glad to provide you with this information.

Very truly yours,

Manager
KENTUCKY UTILITIES COMPANY

Folio and Acct. No. 155601-030

They must not
Be.
Here's a
13.2
mistake
on the
same
Day.

was this my meter
or the one next
Door.



October 30, 1995

Dear Customer:

On August 4, 1995, the meter bearing identification No. M425977 installed at your premises located at Fresh Meadows in Dayheit, KY was tested at Pineville Meter Lab and found to register 56.6 percent slow. This meter was tested on a sample test basis.

Meters are recognized as among the most accurate instruments in general use. However, conditions beyond reasonable control sometimes lead to slight inaccuracies, and for this reason, we test all meters periodically. When we find a meter which registers slow or fast, it is reconditioned or replaced and prompt back billing or refund is made to the customer in accordance with a method of calculation recommended by the State Public Service Commission.

During the period covered by this back billing
your billing amounted to \$1638.12


Adjusted billing based on meter test \$2700.13

Amount of refund by _____ \$ -0-
(Check Enclosed or Credit on Bill)

Amount of back billing added to your bill \$1061.12

If you desire to see the detailed calculation of this adjustment and will call us, we shall be glad to provide you with this information.

Very truly yours,


_____, Manager
KENTUCKY UTILITIES COMPANY

Folio and Acct. No. 155601-020